



Town of Miami Lakes Memorandum

To: The Honorable Mayor and Councilmembers
From: Alex Rey, Town Manager
Subject: Sidewalk Ordinance
Date: 9/5/2017

Recommendation:

Staff recommends approval of the proposed ordinance to facilitate the complete buildout of the Town's sidewalk network by requiring certain developments to construct new sidewalks, repair existing sidewalks or pay in to a mitigation program to offset the Town's cost of performing the work.

Background:

The aim of the proposed ordinance is to provide a tool that ensures the complete buildout of the Town's sidewalk network in substantial compliance with the Town's Complete Streets Master Plan. It is pursued as part of a broader initiative identified in both the Town's Strategic Plan, and the Comprehensive Development Master Plan's (Comp Plan) Mobility Program, to adopt provisions that enable improved sidewalk interconnectivity throughout the Town. More specifically, Policy 2.2.4 of the Town's Comp Plan and Initiative 1.5.2 of the Strategic Plan specifically call for a code provision that achieves that objective. The ordinance provides for the inclusion of sidewalks in most development plans and the establishment of a sidewalk mitigation program for those projects that have particular challenges in complying with sidewalk construction requirements. The program also provides for projects to repair existing sidewalk facilities adjacent to their properties. Exemptions are provided for smaller scaled projects as well as those related to roof repairs for single family homes.

On June 20, 2017, the Planning and Zoning Board recommended to the Town Council, approval of the ordinance with a modification to include the construction cost estimating book entitled "RS Means." The attached ordinance is reflective of that recommendation.

ATTACHMENTS:

Description

Ordinance

LPA Submittal

ORDINANCE NO. 17-_____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA RELATING TO THE TOWN'S SIDEWALK NETWORK; ADOPTING RECITALS; AMENDING CHAPTER 35, ENTITLED 'STREETS, SIDEWALKS AND OTHER PUBLIC PLACES', ESTABLISHING PROVISIONS FOR THE COMPLETE BUILD-OUT OF THE TOWN'S SIDEWALK NETWORK; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on July 26, 2016, the Town Council of the Town of Miami Lakes adopted Ordinance No. 16-194, amending the Town's Comprehensive Master Development Plan, incorporating language at Policies 2.1.6, 2.2.4, 2.6.8, and 2.6.9, among others, which support interconnectivity of the Town's sidewalk network; and

WHEREAS, Chapter 35 of the Town of Miami Lakes (the "Town") Code, entitled "Streets, Sidewalks and Other Public Spaces" is intended to provide standards to address sidewalks within the Town's right-of-way, however it does not provide for the completion of the Town's desire to have complete sidewalk interconnectivity; and

WHEREAS, to fulfill the Town's vision of achieving multimodal interconnectivity throughout the Town, the Town Council desires to establish rules which will further that goal; and

WHEREAS, on June 20, 2017, the Planning and Zoning Board, acting in their capacity as the Local Planning Agency, heard the item at a duly noticed public hearing and forwarded a recommendation of approval to the Miami Lakes Town Council; and

WHEREAS, on September ____, 2017, the Town Council moved the item on First Reading; and

WHEREAS, on October ___, 2017, the Town Council considered the ordinance at a duly advertised public hearing; and

WHEREAS, to that end, the Town Council of the Town of Miami Lakes hereby finds and declares that adoption of this Ordinance is appropriate and advances the public interest.

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES AS FOLLOWS:

Section 1. Recitals. Each of the above stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Amendment. Chapter 35, Streets, Sidewalks and Other Public Spaces, of the Town's Land Development Code is hereby amended as provided at Exhibit A:

Section 3. Repeal of Conflicting Provisions. All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Town Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code and that if necessary the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Article", "Division" or other appropriate word.

Section 6. Effective Date. That this Ordinance shall be effective immediately upon its adoption on second reading.

The foregoing Ordinance was offered by Councilmember _____, who moved its adoption on first reading. The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

FIRST READING

The foregoing ordinance was offered by Councilmember _____ who moved its adoption on first reading. The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Nelson Rodriguez	_____
Councilmember Tim Daubert	_____
Councilmember Luis Collazo	_____
Councilmember Ceasar Mestre	_____
Councilmember Frank Mingo	_____
Councilmember Marilyn Ruano	_____

Passed on first reading this _____ day of _____, 2017.

[THIS SPACE INTENTIONALLY LEFT BLANK]

SECOND READING

The foregoing ordinance was offered by Councilmember _____ who moved its adoption on second reading. The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Nelson Rodriguez	_____
Councilmember Luis Collazo	_____
Councilmember Tim Daubert	_____
Councilmember Ceasar Mestre	_____
Councilmember Frank Mingo	_____
Councilmember Marilyn Ruano	_____

Passed and adopted on second reading this _____ day of _____, 2017.

Manny Cid
MAYOR

Attest:

Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY

EXHIBIT A
ORDINANCE

Chapter 35 – STREETS, SIDEWALKS AND OTHER PUBLIC SPACES

ARTICLE I. – IN GENERAL

* * *

Sec. 35-3 SIDEWALKS.

- (a) Intent. It is the stated intent of the town, as part of its broader mobility plan, to provide for sidewalk interconnectivity throughout the town. This Section seeks to achieve this intent by establishing provisions that ensure sidewalk infrastructure, where missing, inadequate or in need of repair, is therefore planned and constructed.
- (b) Sidewalk plans shown. All plans submitted to the town in connection with any development permit application, including a building permit or development order pursuant to Chapter 13, Article 3, of the Land Development Code, upon any parcel of land in the town abutting a public right-of-way, shall show the location of any existing sidewalks.
- (c) All permits for construction, regardless of applicability or exemptions as provided below, shall provide for repair of existing sidewalks adjacent to the subject property. No final certificate of completion or occupancy shall be issued until such repair work is completed with inspection approvals.
- (d) Applicability. All new construction on unimproved land and any renovation or remodeling of existing building and facilities shall provide sidewalks along all street frontages, as part of that development plan except as may be otherwise provided for or exempted by these provisions.
- (e) Exemptions. The following projects are exempt from the Sidewalk Mitigation program requirements, but shall continue to be subject to the provisions of Section 202, Florida Building Code, relating to existing buildings and facilities:
 - 1. Residential renovations/additions under \$30,000;
 - 2. Single family residential roof repairs;
- (f) Permitting. No building permit shall be issued for the construction of improvements for the projects required to provide sidewalk interconnectivity as provided above, unless the proposed plans include the location of sidewalks, and said sidewalks are to be constructed or repaired as needed by the applicant in accordance with the requirements imposed by the town, and no certificate of completion or occupancy shall be granted unless such sidewalks are completed in accordance with the proposed plans.
- (g) Sidewalk Mitigation Program. The Town Council of the Town of Miami Lakes hereby creates the Sidewalk Mitigation program. The program is established to provide a compliance alternative for those properties that may otherwise be unable to conform to these provisions. Eligible properties may contribute to the program that amount that would have otherwise been spent providing the required sidewalk facility had they built it themselves. Any allocation

received by the fund shall be applied towards the town's efforts to complete an interconnected sidewalk system within the town.

- (1) The Administrative Official shall grant eligibility into the Sidewalk Mitigation program by a showing of the property owner that the construction of sidewalks on the subject property is:
- a. impossible due to the existence of permanent obstructions; or
 - b. would create an urgent safety hazard; or
 - c. would create a severe drainage obstruction; or
 - d. the result of a single tenant in a mixed use commercial property that occupies less than 50% of the leasable commercial space, and it is so determined that requiring that single tenant improvement would be an unreasonable application of the law; or
 - e. at the Town's request.
- (2) Properties eligible to participate in the program shall be required to pay Town's prevailing contractual cost per square yard plus a ten percent (10%) administrative overhead rate of sidewalk area required to be constructed, replaced or repaired. For participants in a multitenant commercial building, payment shall be prorated based on the percentage of leasable space occupied by the applicant within the building(s).
- (3) Any property owner aggrieved by a decision of the Administrative Official either allowing or disallowing the eligibility into the Sidewalk Mitigation program, shall have the right, upon payment of applicable fee, to file a written appeal to the Town Manager within ten days of the date of written notification of said decision. Any appeal of the Town Manager's decision shall be made to the Council. Final determination of any appeal shall be made pursuant to the standards set forth in division (g)(1) above.
- (h) At no time shall the cost of providing required sidewalks or contribution into the Sidewalk Mitigation program exceed 20% of the construction cost of the project.



Town of Miami Lakes Memorandum

To: Chairman Rodriguez and Board Members

From: Darby DelSalle, Planning Director

Subject: Sidewalk Ordinance

Date: June 20, 2017

Recommendation:

Staff recommends approval of the proposed ordinance to facilitate the complete build-out of the Town's sidewalk network by requiring certain developments to construct new sidewalks, repair existing sidewalks or pay into a mitigation program to offset the Town's cost of performing the work.

Background:

The aim of the proposed ordinance is to provide a tool that ensures the complete build-out of the Town's sidewalk network. It is pursued as part of a broader initiative identified in both the Town's Strategic Plan, and the Comprehensive Development Master Plan's (Comp Plan) Mobility Program, to adopt provisions that enable improved sidewalk inter-connectivity throughout the Town. More specifically, Policy 2.2.4 of the Town's Comp Plan and Initiative 1.5.2 of the Strategic Plan specifically call for a code provision that achieves that objective. The ordinance provides for the inclusion of sidewalks in most development plans and the establishment of a sidewalk mitigation program for those projects that have particular challenges in complying with sidewalk construction requirements. The program also provides for projects to repair existing sidewalk facilities adjacent to their properties. Exemptions are provided for smaller scaled projects as well as those related to roof repairs for single family homes.

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WHEREAS, Chapter 35 of the Town of Miami Lakes (the "Town") Code, entitled "Streets, Sidewalks and Other Public Spaces" is intended to provide standards to address sidewalks within the Town's right-of-way, however it does not provide for the completion of the Town's desire to have complete sidewalk interconnectivity; and

WHEREAS, to fulfill the Town's vision of achieving multimodal interconnectivity throughout the Town, the Town Council desires to establish rules which will further that goal; and

WHEREAS, to that end, the Town Council of the Town of Miami Lakes hereby finds and declares that adoption of this Ordinance is necessary, appropriate and advances the public interest.

**THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN
OF MIAMI LAKES AS FOLLOWS:**

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Mayor Manny Cid	_____
Vice Mayor Tony Lama	_____
Councilmember Tim Daubert	_____
Councilmember Luis Collazo	_____
Councilmember Ceasar Mestre	_____
Councilmember Frank Mingo	_____
Councilmember Nelson Rodriguez	_____

Passed on first reading this _____ day of _____, 2017.

[THIS SPACE INTENTIONALLY LEFT BLANK]

SECOND READING

The foregoing ordinance was offered by Councilmember _____ who moved its adoption on second reading. The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Tony Lama	_____
Councilmember Luis Collazo	_____
Councilmember Tim Daubert	_____
Councilmember Ceasar Mestre	_____
Councilmember Frank Mingo	_____
Councilmember Nelson Rodriguez	_____

Passed and adopted on second reading this _____ day of _____, 2017.

Manny Cid
MAYOR

Attest:

Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY

EXHIBIT A
ORDINANCE

Chapter 35 – STREETS, SIDEWALKS AND OTHER PUBLIC SPACES

ARTICLE I. – IN GENERAL

* * *

Sec. 35-3 SIDEWALKS.

- (a) Intent. It is the stated intent of the town, as part of its broader mobility plan, to provide for sidewalk interconnectivity throughout the town. This Section seeks to achieve this intent by providing provisions that ensure sidewalk infrastructure, where missing, inadequate or in need of repair, is therefore planned and constructed.
- (b) Sidewalk plans shown. All plans submitted to the town in connection with any development permit application, including a building permit or development order pursuant to Chapter 13, Article 3, of the Land Development Code, upon any parcel of land in the town abutting a public right-of-way, shall show the location of any existing sidewalks.
- (c) All permits for construction, regardless of applicability or exemptions as provided below, shall provide for repair of existing sidewalks adjacent to the subject property. No final certificate of completion or occupancy shall be issued until such repair work is completed with inspection approvals.
- (d) Applicability. All new construction on unimproved land and any renovation or remodeling of existing building and facilities shall provide sidewalks along all street frontages, as part of that development plan except as may be otherwise provided for or exempted by these provisions.
- (e) Exemptions. The following projects are exempt from the Sidewalk Mitigation program requirements, but shall continue to be subject to the provisions of Section 202, Florida Building Code, relating to existing buildings and facilities:
 - 1. Residential renovations/additions under \$30,000;
 - 2. Single family residential roof repairs;
- (f) Permitting. No building permit shall be issued for the construction of improvements for the projects required to provide sidewalk interconnectivity as provided above, unless the proposed plans include the location of sidewalks, and said sidewalks are to be constructed or repaired as needed by the applicant in accordance with the requirements imposed by the town, and no certificate of completion or occupancy shall be granted unless such sidewalks are completed in accordance with the proposed plans.
- (g) Sidewalk Mitigation Program. The Town Council of the Town of Miami Lakes hereby creates the Sidewalk Mitigation program. The program is established to provide a compliance alternative for those properties that may otherwise be unable to conform to these provisions. Eligible properties may contribute to the program that amount that would have otherwise been spent providing the required sidewalk facility had they built it themselves.

Any allocation received by the fund shall be applied towards the town's efforts to complete an interconnected sidewalk system within the town.

(1) The Administrative Official shall grant eligibility into the Sidewalk Mitigation program by a showing of the property owner that the construction of sidewalks on the subject property is:

a. impossible due to the existence of permanent obstructions; or

b. would create an urgent safety hazard; or

c. would create a severe drainage obstruction; or

d. the result of a single tenant in a mixed use commercial property that occupies less than 50% of the leasable commercial space, and it is so determined that requiring that single tenant improvement would be an unreasonable application of the law; or

e. at the Town's request.

(2) Properties eligible to participate in the program shall be required to pay a minimum of \$40 per square yard or the Town's prevailing cost per square yard, whichever is higher, of sidewalk required to be constructed, replaced or repaired. For participants in a multitenant commercial building, payment shall be prorated based on the percentage of leasable space occupied by the applicant within the building(s).

(3) Any property owner aggrieved by a decision of the Administrative Official either allowing or disallowing the eligibility into the Sidewalk Mitigation program, shall have the right, upon payment of applicable fee, to file a written appeal to the Town Manager within ten days of the date of written notification of said decision. Any appeal of the Town Manager's decision shall be made to the Council. Final determination of any appeal shall be made pursuant to the standards set forth in division (g)(1) above.

(h) At no time shall the cost of providing required sidewalks or contribution into the Sidewalk Mitigation program exceed 20% of the construction cost of the project.